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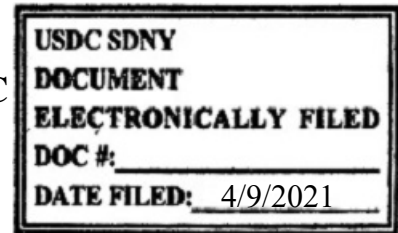
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April 9, 2021

MEMO ENDORSED

Via ECF

Magistrate Judge Barbara Moses
United States District Court, Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *Citron v. National Railroad Passenger Corp.*
Case No.: 20-CV-1039

Dear Judge Moses:

This office represents Defendant National Railroad Passenger Corp. ("Amtrak") in connection with the above-referenced matter. As discussed during the April 2, 2021 status conference before Your Honor, this letter is submitted jointly with counsel for Plaintiff Aviv Citron ("Plaintiff") to request an adjournment of all current deadlines. This is the Parties' third request for such an extension. The Court granted the Parties' first request on October 11, 2020, and the Parties' second request on February 5, 2021. The impact of the pandemic on the Parties, including employee unavailability and turnover, and the ability to obtain information from third-parties, has obstructed the Parties' efforts to complete discovery within the earlier set deadlines.

While the Parties continue to work diligently and cooperatively to complete discovery, it is clear that the amount of work that remains cannot be completed within the current deadlines. As Your Honor may recall, vegetation management is a critical issue to Plaintiff's theory of liability. This week, Amtrak learned that a third-party was involved in its vegetation management at the incident location. While Amtrak is working to collect the information Plaintiff has requested, because this third-party is not under Amtrak's control, additional time and effort will be necessary to do so. Also, since the status conference, Plaintiff has served on Amtrak a deposition notice pursuant to Rules 30(b)(6), 30(b)(2), and 34(b)(2) with twenty-two (22) topics. Moreover, a number of smaller, open items remain. The Parties are attempting to resolve a couple disputes arising from those open items with the hope of avoiding the need to seek the Court's participation.

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Further, to date, the Parties have disclosed four experts and, following the completion of the remaining fact discovery, four or more additional experts may be disclosed. The Parties will seek to depose at least some of those experts.

Finally, the parties will continue to review opportunities for resolution as discovery continues.

Based upon the foregoing, and considering the impact of summer vacation schedules on the opportunity to complete expert depositions, the Parties respectfully request an extension of the following deadlines set forth in the Order dated February 5, 2021 as follows:

- (1) fact discovery, including depositions, from April 13, 2021 to June 30, 2021; and
- (2) expert discovery, including depositions, from May 25, 2021 to August 31, 2021.

Thank you in advance for the Court's consideration.

Respectfully submitted,

/s/ *Andrew B. Charkow*

Andrew B. Charkow

ABC:ss

cc: Counsel for all parties via ECF

Application GRANTED. No further extensions will be granted. SO ORDERED.



Barbara Moses, U.S.M.J.

April 9, 2021